

- 8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARTER OF TEXAS, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES.**

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**AMENDMENT TO H.R. 10, AS REPORTED
OFFERED BY MR. CARTER OF TEXAS**

At the end of title II insert the following:

1 **Subtitle J—Terrorist Penalties**
2 **Enhancement Act of 2004**

3 **SEC. 2221. SHORT TITLE.**

4 This subtitle may be cited as the “Terrorist Penalties
5 Enhancement Act of 2004”.

6 **SEC. 2222. PENALTIES FOR TERRORIST OFFENSES RESULT-**
7 **ING IN DEATH; DENIAL OF FEDERAL BENE-**
8 **FITS TO TERRORISTS.**

9 (a) IN GENERAL.—Chapter 113B of title 18, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

12 **“§ 2339E. Terrorist offenses resulting in death**

13 “(a) Whoever, in the course of committing a terrorist
14 offense, engages in conduct that results in the death of
15 a person, shall be punished by death or imprisoned for
16 any term of years or for life.

17 “(b) As used in this section, the term ‘terrorist of-
18 fense’ means—

19 “(1) a Federal felony offense that is—



1 “(A) a Federal crime of terrorism as de-
2 fined in section 2332b(g) except to the extent
3 such crime is an offense under section 1363; or

4 “(B) an offense under this chapter, section
5 175, 175b, 229, or 831, or section 236 of the
6 Atomic Energy Act of 1954; or

7 “(2) a Federal offense that is an attempt or
8 conspiracy to commit an offense described in para-
9 graph (1).

10 **“§ 2339F. Denial of Federal benefits to terrorists**

11 “(a) An individual or corporation who is convicted of
12 a terrorist offense (as defined in section 2339E) shall, as
13 provided by the court on motion of the Government, be
14 ineligible for any or all Federal benefits for any term of
15 years or for life.

16 “(b) As used in this section, the term ‘Federal ben-
17 efit’ has the meaning given that term in section 421(d)
18 of the Controlled Substances Act, and also includes any
19 assistance or benefit described in section 115(a) of the
20 Personal Responsibility and Work Opportunity Reconcili-
21 ation Act of 1996, with the same limitations and to the
22 same extent as provided in section 115 of that Act with
23 respect to denials of benefits and assistance to which that
24 section applies.”.



1 (b) CONFORMING AMENDMENT TO TABLE OF SEC-
2 TIONS.—The table of sections at the beginning of the
3 chapter 113B of title 18, United States Code, is amended
4 by adding at the end the following new items:

“2339E. Terrorist offenses resulting in death.

“2339F. Denial of federal benefits to terrorists.”.

5 (c) AGGRAVATING FACTOR IN DEATH PENALTY
6 CASES.—Section 3592(c)(1) of title 18, United States
7 Code, is amended by inserting “section 2339E (terrorist
8 offenses resulting in death),” after “destruction),”.

9 **SEC. 2223. DEATH PENALTY IN CERTAIN AIR PIRACY CASES**

10 **OCCURRING BEFORE ENACTMENT OF THE**

11 **FEDERAL DEATH PENALTY ACT OF 1994.**

12 Section 60003 of the Violent Crime Control and Law
13 Enforcement Act of 1994, (Public Law 103–322), is
14 amended, as of the time of its enactment, by adding at
15 the end the following:

16 “(c) DEATH PENALTY PROCEDURES FOR CERTAIN
17 PREVIOUS AIRCRAFT PIRACY VIOLATIONS.—An individual
18 convicted of violating section 46502 of title 49, United
19 States Code, or its predecessor, may be sentenced to death
20 in accordance with the procedures established in chapter
21 228 of title 18, United States Code, if for any offense com-
22 mitted before the enactment of the Violent Crime Control
23 and Law Enforcement Act of 1994 (Public Law 103–322),
24 but after the enactment of the Antihijacking Act of 1974

1 (Public Law 93-366), it is determined by the finder of
2 fact, before consideration of the factors set forth in sec-
3 tions 3591(a)(2) and 3592(a) and (c) of title 18, United
4 States Code, that one or more of the factors set forth in
5 former section 46503(c)(2) of title 49, United States
6 Code, or its predecessor, has been proven by the Govern-
7 ment to exist, beyond a reasonable doubt, and that none
8 of the factors set forth in former section 46503(c)(1) of
9 title 49, United States Code, or its predecessor, has been
10 proven by the defendant to exist, by a preponderance of
11 the information. The meaning of the term 'especially hei-
12 nous, cruel, or depraved', as used in the factor set forth
13 in former section 46503(c)(2)(B)(iv) of title 49, United
14 States Code, or its predecessor, shall be narrowed by add-
15 ing the limiting language 'in that it involved torture or
16 serious physical abuse to the victim', and shall be con-
17 strued as when that term is used in section 3592(c)(6)
18 of title 18, United States Code."

19 Conform the table of sections accordingly..

